



MEETING MINUTES OF THE CITY COUNCIL  
City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
Tuesday, June 20, 2017 6:00 p.m.

**I. REGULAR MEETING CALLED TO ORDER –**

**II. PLEDGE OF ALLEGIANCE –** Led by Mayor Jim LiVecchi

**III. ROLL CALL**

All members of the City Council and staff were present.

**IV. PRESENTATION**

**1. Presentation of Lowry Proclamation – Mayor LiVecchi**

LiVecchi gave an introduction and explained that the proclamation was presented at the Lowry dedication ceremony. He continued to explain that the Deputy City Clerk framed the proclamation, so that it may be formally presented at the City Council Meeting.

LiVecchi presented the proclamation to Mrs. Lowry.

Lowry thanked Mayor LiVecchi and the City Council for the honor of the dedication. She stated that Mike Bowers went above and beyond. Lowry presented a ceramic photo that will be attached to the engraved stone along the trail.

**2. Chaffee County GOCO Grant Presentation – Lisa Martin**

Martin gave a presentation and gave the City Council background information.

Brown stated there could be several ways a multi-year fiscal commitment could be done. He stated that all of the request could be funded up front if the City has the money. Brown suggested doing more work with the numbers and the City will need to know exactly how much cash is needed in 2018.

Brown-Kovacic stated there was discussion about activities for youth in the area and asked if the funds were contingent on receiving the grant. Kovacic asked if the City would know by the budget adoption.

The Council was in favor of having future budget discussions and to provide a letter of support.

**3. Park and Recreation Month Proclamation – Mayor LiVecchi**

Mayor LiVecchi read the proclamation aloud to the members of City Council and the members of the public who were present to proclaim July as Park and Recreation Month.

Lanette Hartman introduced herself and thanked the City Council for their support.

**V. CITIZEN PARTICIPATION – 3 minute time limit.** *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Joe Judd of Salida spoke regarding the proposed expansion of the HRRMC hospital. He stated that he and other have spoken out against the expansion of the Hospital. He stated that the Planning Commission did not allow for a height variance. He stated that the newspaper stated the building would be in compliance with the exception of the elevator shaft. He stated that he would ask that the Council deny the height variance. Judd stated that the Municipal Code should be enforced equally for all people.

Michael McGovern of Salida stated that he would be speaking regarding the patios. He stated he felt the process was very fair and everyone who was consulted agreed on the patio. He asked that the Council consider the value of the patios. He stated that they were able to hire two more full time employees to work the patio. McGovern stated that may the additional revenue could assist in finding a solution on the parking.

Phil Carey of Salida thanked the Council for their service. He stated that he has operated a short term rental for the last five years. He stated that on June eighth he received a letter that indicated he failed to renew and his license was expired and not renewable. He stated that he had his attorney review the issue. He stated that the attorney referenced a fee schedule that was adopted included a late fee and another document also contained the provisions for a late fee. Carey stated that in the ordinance, it states that the Council wished to maintain the status quo. He felt the actions were to reduce the number of short term rentals. Carey asked that his license be renewed and that there be resolution.

Lydia Segal of Salida stated that there are eight property owners who object to the municipal variance for the hospital expansion to exceed the allowed height. She asked that the City Council look at the issue.

Anne Graff of Salida stated that they own businesses in Salida and spoke regarding the short term rentals. She stated that when she went to apply, she was not allowed because the property across the street had already applied. She stated that they work hard through the summer, so that they can make it through the winter. She stated that all of her neighbors signed a document stated that they do not mind there being a short term rental. She asked why there was no procedure to allow existing licenses to renew their licenses. She asked for the Council to reconsider where the segment rule will apply.

Mark Krivanek of Salida stated that he would be speaking regarding the patios. He stated that he wanted to make sure the Council understands that the parking spots downtown are community spots. Krivanek stated that customers sometimes park blocks away, it is wherever they can find a space to park. He stated that it is narrow to say that the parking spaces are for only the adjacent businesses. He stated that the review process should include all of the area.

Michael Schwartz stated that he is concerned with civil rights in America. He stated that he walks on F Street almost every night. He stated that the patios are encroachment into the public space.

## VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
  - a) Approval of Agenda
  - b) Approval of Minutes: June 6, 2017
  - c) Salida Business Alliance 4<sup>th</sup> of July Celebration – July 4, 2017
  - d) Salida Rotary Club Special Events Liquor License – July 4, 2017
  - e) Riverside Fine Arts Festival – July 15 & 16, 2017
  - f) 2017 Centennial Park Exercise Equipment Final Settlement

Rogers requested that the approval of minutes be removed from the Consent Agenda.

Rogers stated that she would like the Minutes to have her complete statement included instead of the summary.

Brown clarified with Rogers that the minutes could be approved with the addition.

**Brown motioned to combine and approve the items on the Consent Agenda with the addition of Council Member Rogers' statement. Rogers seconded the motion With all in favor, THE MOTION CARRIED.**

## 2. **Municipal Court Clerk Bond Requirement Waiver** (Cheryl Hardy-Moore)

Judge Hardy-Moore gave an introduction and provided background information. She indicated that a new Court Clerk has been hired. Monica Wehner will be starting work on June 26<sup>th</sup>, 2017.

Hardy-Moore stated that the purpose of the performance bond is in regard to the performance of the position and collection of fines. She stated that the Clerk does not collect the fees. She continued to state that the Court Clerk has passed a background check and there are no negative issues. They are a court of record, so there are checks and balances for what is ordered and what is done. Another reason not to have the bond is because Wehner has had experience in similar work at various locations.

Hardy-Moore stated the statute became law in 1969 for Municipal Court Clerks and was repealed for the State Court Clerks in 1979.

Patterson suggested that there be a resolution at the next City Council meeting.

**Brown motioned to waive the requirement for the position of Municipal Court Clerk. Brown-Kovacic seconded the motion.**

Granzella asked where Municipal Court is at and where payments are made. Judge Hardy-Moore stated that Municipal Court is in Council Chambers and she directs payments to the front counter.

Brown-Kovacic stated that it is a sensible thing to do.

**With all in favor, THE MOTION CARRIED.**

## 3. **Here's the Scoop Main Street Patio Appeal** (Glen VanNimwegen)

VanNimwegen gave an introduction and provided background information.

Kahn explained that it is a quasi-judicial hearing that will be conducted pursuant to the Salida Municipal Code. He stated that the rules of procedure will be followed pursuant to the Salida Municipal Code.

VanNimwegen stated that hard copies of the exhibits were provided to the City Council. He stated that this came about as a result of the patio policy. VanNimwegen explained the process and asked the City Council to uphold the City Administrator's decision to deny the patio application.

Michael Wilbur introduced himself and stated that he represents the applicant, Richard Leavitt. Wilbur explained the applicants position and asked that the City Council reverse the City Administrator's decision to deny the patio application.

Bill Smith introduced himself and stated he was representing the neighboring property owner, Gena Shepherd. Smith asked Shepherd various questions and she responded accordingly to explain her interactions with Leavitt.

Kahn explained that the Council has the choice to either issue a verbal decision immediately, or the City Council may decide to issue a written decision within twenty days.

**Granzella motioned to issue a verbal decision. Brown seconded the motion. In a 5-1 roll call vote, THE MOTION CARRIED. Bowers had the dissenting vote.**

**Brown motioned to uphold the City Administrator's decision to deny Richard Leavitt's Main Street Patio application. Rogers seconded the motion. In a 4-2 roll call vote, THE MOTION CARRIED. Granzella and Bowers had the dissenting votes.**

## 4. **Rescinding Main Street Patio Policy** (Glen VanNimwegen)

Resolution 2017-36 rescinding the Main Street Patio Program Policy

VanNimwegen gave an introduction and provided background information.

Brown-Kovacic stated that she is uncomfortable with the word “rescind” because it was unclear if it was also rescinding the approved patio agreements.

Kahn stated that each of the existing agreements would continue in force even if the policy is repealed.

Brown stated that it is clear to him that it would halt the application for new licenses and the existing would continue.

**Brown motioned to approve Resolution 2017-36, a resolution of the City Council, City of Salida to suspend the Main Street Patio Program Policy. Brown-Kovacic seconded the motion.**

Hallett felt that the procedure needs improvement.

**With all in favor, THE MOTION CARRIED.**

**Brown motioned to allow the meeting to continue past 9:00 P.M. Hallett seconded the motion. In a 5-1 roll call vote, THE MOTION FAILED. Brown-Kovacic had the dissenting vote.**

**Brown-Kovacic motioned to allow the meeting to continue past 9:00 P.M., but to only allow consideration of items 5, 7 & 8. Brown seconded the motion. With all in favor, THE MOTION CARRIED.**

5. **Chavez Subdivision Improvement Agreement Amendment** (Glen VanNimwegen)  
Resolution 2017-37 approving the first amendment to the subdivision improvement agreement pursuant to: Chavez Subdivision, Final Plat

VanNimwegen gave an introduction and provided background information.

**Rogers motioned to approve Resolution 2017-37, a resolution of the City Council, City of Salida, approving the first amendment to the subdivision improvement agreement pursuant to: Chavez Subdivision, Final Plat. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

7. **Short Term Rental Application Term, 2<sup>nd</sup> Reading & Public Hearing** (Guy Patterson)  
Ordinance 2017-18 amending Article VI of Chapter 6 of the Salida Municipal Code regarding the term of short-term rentals business license

Patterson gave an introduction and provided background information.

Granzella asked if it was an opportunity to adjust notification as to when the notices are due.

Brown-Kovacic stated that she was under the impression that it was done on a single date so that a notice could be sent out.

Hallett was in agreement with Brown-Kovacic.

LiVecchi opened the public hearing.

Anne Graff asked if it was uncommon for the Chambers to clear out. LiVecchi explained that it is not uncommon to have a smaller audience later in the evening. Graff stated that in all fairness she felt it was an oversight on the due date because July 1<sup>st</sup> was her application date. Graff felt that renewal notices should have been sent out and felt it would be fair to allow the existing licenses to continue.

Hallett stated that when she heard the amount of notices, it became clear she was not the only one who was caught up in the situation.

Monika Griesenbeck of Salida stated that she has been following the ordinance closely. She stated that she doesn't want to have any more short term rentals in her neighborhood. She asked that the Council do the right thing and to be fair.

**Brown motioned to continue the public hearing to allow time for further considerations.**

Rogers was in agreement with Brown.

Bowers was in agreement with Brown.

Brown-Kovacic stated they are in a vulnerable salutation and there are inconsistencies in the code. Brown-Kovacic asked that Council direct Staff to bring the ordinance back with a notification requirement.

Patterson stated that the license application indicates the term on the license.

**Brown-Kovacic motioned to approve Ordinance 2017-18, an ordinance of the City Council, City of Salida, amending Article VI of Chapter 6 of the Salida Municipal Code regarding the term of short-term rentals business license with a year term and have staff identify other issues. Rogers seconded the motion.**

Brown would like to see a follow-up letter to allow them to operate until the issue is brought back before Council.

**Brown-Kovacic withdrew the prior motion and Rogers was in agreement to withdraw.**

**Brown motioned to continue the Public Hearing to July 18<sup>th</sup>, 2017. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

**Brown motioned to give direction to City staff to rescind all letters with a follow-up letter to state the licenses will remain in effect and valid until such time that the Council may determine the appropriate expiration dates. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

**8. Butler Snow Professional Services Agreement (Guy Patterson)**

Resolution 2017-35 approving a professional services agreement with Butler Snow, LLP to provide legal counsel regarding ta "De-Brucing" election ballot questions and other general TABOR compliance questions

Patterson gave an introduction and provided background information. Patterson explained Phillips strongly recommended that the City retain Dee Wisser.

The City Council wished to schedule a July 11<sup>th</sup> Work Session to go through the pros and cons.

**Granzella motioned to approve Resolution 2017-35, a resolution of the City Council, City of Salida, approving a professional services agreement with Butler Snow, LLP to provide legal counsel regarding "De-Brucing" election ballot questions and other general TABOR compliance questions. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

The City Council discussed whether the next City Council Meeting should be on July 5<sup>th</sup> of July 6<sup>th</sup>. The Council was in agreement to schedule the next regular meeting on July 6<sup>th</sup>, 2017 at 6:00 P.M. to accommodate the Fourth of July holiday.

**9. Administrator/Deputy City Clerk**

- City Administrator Report –Guy Patterson
- Deputy City Clerk Report – Christian Samora

**10. Elected Official Reports**

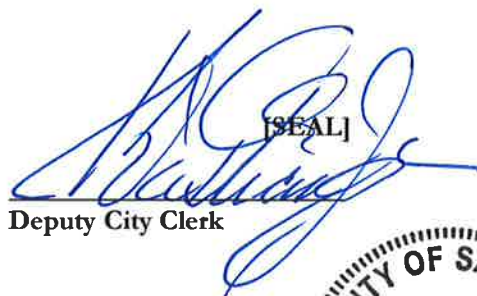
- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.
- Mayor – Jim LiVecchi

**VII. NEW BUSINESS**

**VIII. OLD BUSINESS**

**IX. ADJOURN –**

The meeting adjourned at 9:29 P.M.

  
[SEAL]  
Deputy City Clerk

  
James LiVecchi, Mayor

